

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Index No.: 23156/06

**SUPPLEMENTAL VERIFIED
BILL OF PARTICULARS**

Plaintiffs,

-against-

LECOURIUX G. YANNICK,

Defendant.

-----X
A T T O R N E Y S:

PLEASE TAKE NOTICE that the plaintiffs, by their attorneys, SACKS AND SACKS, LLP, hereby supplements our Verified Bill of Particulars, based upon information and belief as follows:

3. Plaintiff, RASHAD ALI sustained the following injuries, all of which are permanent in nature and kind:

BACK:

- Herniated disc at L5-S1;
- Bulging disc at L4-L5;
- L5-S1 radiculopathy;

NECK:

- Cervical radiculopathy at C7-C8;
- Sensory CTS-bilaterally;
- Bulging disc at C3-C4;
- Central spur at C7-T1;

HEAD:

- Closed head trauma;
- Possible concussion;
- Possible post-concussion syndrome;

- Post-traumatic headaches;
- Jaw pain;
- TMJ dysfunction;
- Hypomobility of Temporoamandibular chondyle;

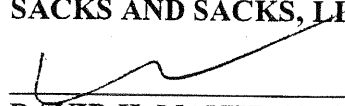
All of plaintiff's injuries have already required extensive orthopedic care, neurological care, physical therapy and will in the future, require further medical care and treatment including physical therapy, orthopedic care and the need for future surgical intervention.

All of the above injuries were attendant with extreme pain and suffering and have affected plaintiff's bodily systems and the skin, nerves, bones, tissues, tendons, muscles, blood vessels and other tissues. All of the above injuries and ill effects there from are permanent in nature except those of a superficial nature. Plaintiff reserves the right to supplement his bill of particulars at a later date when more medical information on plaintiff becomes available.

5. At the time of the accident, plaintiff was employed as Journeyman Union Doorman by Hudson View Realty and was earning \$583.00 per week in gross pay. This number does not include plaintiff's union benefits package. Plaintiffs Rashad Ali and Minerva Ali was confined to bed and home except for necessary visits to healthcare providers for approximately two weeks as a result of the injuries sustained in the accident.

Dated: New York, New York
April 10, 2007

Yours, etc.,
SACKS AND SACKS, LLP


DAVID H. MAYER, ESQ.
Attorneys for Plaintiffs
150 Broadway – 4th Floor
New York, N.Y. 10038
(212) 964-5570

TO:


SOL Z. SOKEL, ESQ.
KELLY, RODE & KELLY, LLP
Attorneys for Defendant
300 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400

ATTORNEY'S VERIFICATION

I, DAVID H. MAYER, am an attorney duly admitted to practice in the courts of New York State, and say that: I am the attorney of record, or of counsel with the attorney(s) of record, for the plaintiff(s), I have read the annexed **SUPPLEMENTAL VERIFIED BILL OF PARTICULARS** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: facts, investigations and pertinent data contained in deponent's file.

The reason I make this affirmation instead of plaintiff is because plaintiff(s) reside in a County other than where deponent maintains his office.

Dated: NEW YORK, NEW YORK
April 10, 2007



DAVID H. MAYER, ESQ.

GUARDIAN over DANYAH ALI, infant, and
MINERVA ALI, as Guardian over TANYAH ALI,
infant,

Plaintiffs,

-against-

LECOURIUX G. YANNICK,

Defendant.

-----X

SUPPLEMENTAL VERIFIED
BILL OF PARTICULARS

Sacks and Sacks LLP

150 BROADWAY
NEW YORK, NEW YORK 10038
(212) 964-5570

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Index No.: 23156/06

**SECOND SUPPLEMENTAL
VERIFIED BILL OF
PARTICULARS**

Plaintiffs,

-against-

LECOURIUX G. YANNICK,

Defendant.

-----X
ATTORNEYS:

PLEASE TAKE NOTICE that the plaintiffs, by their attorneys, SACKS AND SACKS, LLP, hereby supplements our Verified Bill of Particulars, based upon information and belief as follows:

3. Plaintiff, MINERVA ALI sustained the following injuries, in addition to the aforementioned injuries previously plead:

NECK:

- Straightening of the normal curvature of the cervical spine;
- Circumventrial disc bulging at C5-C6;
- Right cervical radiculopathy at root level with resulting numbness in the upper extremities;
- Paraspinal muscle spasms in cervical and lumbar spine;

BACK:

- Positive spurling signs;
- Bulging disc at L4-L5;

Plaintiff is currently awaiting approval for injections to the cervical and lumbar spine.

*Possible surgical intervention may be required in the future.

Plaintiff's Danyal Ali, Danyah Ali and Tanyah Ali withdraw all claims for bodily

injuries in this action.

All of plaintiff's injuries have already required extensive orthopedic care, neurological care, physical therapy and will in the future, require further medical care and treatment including physical therapy, orthopedic care and the need for future surgical intervention.

All of the above injuries were attendant with extreme pain and suffering and have affected plaintiff's bodily systems and the skin, nerves, bones, tissues, tendons, muscles, blood vessels and other tissues. All of the above injuries and ill effects there from are permanent in nature except those of a superficial nature. Plaintiff reserves the right to supplement his bill of particulars at a later date when more medical information on plaintiff becomes available.

5. At the time of the accident, plaintiff Rashad Ali was employed as Journeyman Union Doorman by Hudson View Realty and was earning \$583.00 per week in gross pay. This number does not include plaintiff's union benefits package. Plaintiffs Rashad Ali and Minerva Ali was confined to bed and home for approximately two weeks, at intermittent dates, since the date of the accident, as a result of the injuries sustained in the accident. Plaintiff is not complaining that Danyal Ali, Danyah Ali and Tanyah Ali was forced to have any confinement to bed and home as a result of any injuries sustained in the accident.

Dated: New York, New York
June 4, 2007

Yours, etc.,

SACKS AND SACKS, LLP

DAVID H. MAYER, ESQ.
Attorneys for Plaintiffs
150 Broadway – 4th Floor
New York, N.Y. 10038
(212) 964-5570

TO:


SOL Z. SOKEL, ESQ.
KELLY, RODE & KELLY, LLP
Attorneys for Defendant
300 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400

ATTORNEY'S VERIFICATION

I, DAVID H. MAYER, am an attorney duly admitted to practice in the courts of New York State, and say that: I am the attorney of record, or of counsel with the attorney(s) of record, for the plaintiff(s), I have read the annexed **SECOND SUPPLEMENTAL VERIFIED BILL OF PARTICULARS** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: facts, investigations and pertinent data contained in deponent's file.

The reason I make this affirmation instead of plaintiff is because plaintiff(s) reside in a County other than where deponent maintains his office.

Dated: NEW YORK, NEW YORK
June 4, 2007



DAVID H. MAYER, ESQ.

GUARDIAN over TANYAH ALI, infant, and
MINERVA ALI, as Guardian over TANYAH ALI,
infant,

Plaintiffs,

-against-

LECOURIUX G. YANNICK,

Defendant.

-----X

SECOND SUPPLEMENTAL VERIFIED
BILL OF PARTICULARS

Sacks and Sacks LLP

150 BROADWAY
NEW YORK, NEW YORK 10038
(212) 964-5570

SCANNED

6/12/07 *MR*

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

SOL Z. SOKEL, being duly sworn deposes and says;

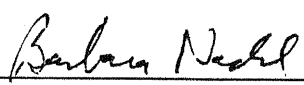
I am a duly admitted and practicing Attorney-at-Law; that I am one of the attorneys for the defendant, LECOURIUX G. YANNICK, herein and that I have read the foregoing ANSWER and know the contents thereof and that the same is true to my own knowledge, except as to those statements therein alleged to be upon information and belief and as to those statements, I believe it to be true.

The source of my knowledge is the contents of a file maintained in my office, which contains various reports of investigations, statements, interviews, copies of official documents, etc.

The reason this verification is not made by the defendant, LECOURIUX G. YANNICK, is due to the fact that said defendant does not reside in the same county wherein I maintain my professional office; to wit: County of NASSAU.


SOL Z. SOKEL

Sworn to before me this
16th day of FEBRUARY, 2007


NOTARY PUBLIC

BARBARA NADEL
Notary Public, State of New York
No.01NA6106726
Qualified in Nassau County
Commission Expires March 15, 2008

AFFIDAVIT OF SERVICE BY MAIL

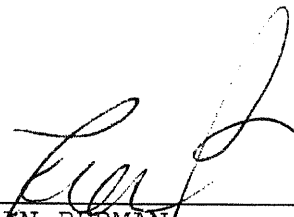
STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

FRAN BERMAN, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in Plainview, New York.

On the 16th day of FEBRUARY, 2007, I served the within ANSWER AND DEMAND FOR BILL OF PARTICULARS by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed each of the following persons at the last known addresses set forth each name:

TO: SACKS AND SACKS, LLP
Attorneys for Plaintiffs
Office & P.O. Address
150 Broadway - 4th Floor
New York, New York 10038



FRAN BERMAN

Sworn to before me on this
16th day of FEBRUARY, 2007



Notary Public

ROBERT M. PLATT
NOTARY PUBLIC, State of New York
No. 30-4507360
Qualified in Nassau County
Commission Expires 7/3/10

Index No. Year 20
23156 06

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Plaintiff,

-against-

LECOURIUX G. YANNICK,

Defendants.

ANSWER AND DEMAND FOR BILL OF PARTICULARS
KELLY, RODE & KELLY, LLP
Attorneys for

330 OLD COUNTRY ROAD
SUITE 305
Defendant, NEW YORK 11501
TELEPHONE NO. (516) 739-0400
FACSIMILE NO. (516) 739-0434

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐
NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

☐
NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. one of the judges of the within named Court,
at
on

20

, at

M.

Dated:

KELLY, RODE & KELLY, LLP

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Index No.: 23156/06

NOTICE TO ADMIT

Plaintiffs,

-against-

LECOURIUX G. YANNICK,

Defendant.

-----X
ATTORNEYS:

PLEASE TAKE NOTICE, that you are hereby requested, pursuant to CPLR 3123, to give the undersigned, within twenty (20) days after the service thereof, a written admission of the following:

1. That at all times herein mentioned, on October 28, 2006 defendant, **LECOURIUX G. YANNICK** was the owner of a motor vehicle with New Jersey License Plate Number NSD41H.

2. That at all times herein mentioned, on October 28, 2006 defendant, **LECOURIUX G. YANNICK** was the lessee of a vehicle bearing License Plate Number NSD41H of New York State.

3. That at all times herein mentioned, defendant, **LECOURIX G. YANNICK** operated a 1997 Jeep vehicle on 132nd Street and Harlem River Drive on October 28, 2006 at or about 1:45 p.m.

4. That on October 28, 2006 at the aforementioned location, the motor vehicle operated by at all times herein mentioned, defendant, **LECOURIUX G. YANNICK** came into contact when the motor vehicle operated by RASHAD ALI.

Dated: New York, New York
March 21, 2007

Yours, etc.,

SACKS AND SACKS, LLP



DAVID H. MAYER, ESQ.
Attorneys for Plaintiff
150 Broadway – 4th Floor
New York, N.Y. 10038
(212) 964-5570

TO:

SOL Z. SOKEL, ESQ.
KELLY, RODE & KELLY, LLP
Attorneys for Defendant
300 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400

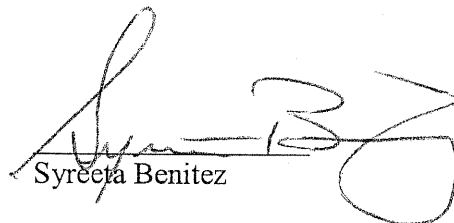
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)ss.:

SYREETA BENITEZ, being duly sworn, deposes and says that she is not a party to this action, is over the age of 18 years, and resides in KINGS, NEW YORK, and that on March 21, 2007 she served the within NOTICE TO ADMIT by depositing same in a properly addressed wrapper into the custody of the United State Postal Service, within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

TO:

SOL Z. SOKEL, ESQ.
KELLY, RODE & KELLY, LLP
Attorneys for Defendant
300 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400


Syreeta Benitez

Sworn to before me this
21st day of March, 2007

Notary Public

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----x
RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Index #23156/06

RESPONSE TO
NOTICE TO
ADMIT

Plaintiffs,

-against-

LECOURIUX G. YANNICK,

Defendant.
-----x

S I R S :

PLEASE TAKE NOTICE, the defendant(s), LECOURIUX G. YANNICK, by his attorneys, KELLY, RODE & KELLY, LLP, herein set(s) forth, as and for his Response to Notice to Admit the following, upon information and belief:

1. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations.
2. Denies, upon information and belief.
3. Admit
4. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations.

PLEASE TAKE FURTHER NOTICE, that the defendant(s) LECOURIUX G. YANNICK, by his attorneys, KELLY, RODE & KELLY, LLP, reserves his right to amend and/or supplement this Response at any time up to and including the time of the trial of the action,

should any additional or different information become available.

Dated: Mineola, New York
April 5, 2007

KELLY, RODE & KELLY, LLP

BY: 

SOL Z. SOKEL
Attorneys for Defendant
Office & P.O. Address
330 Old Country Road
Suite 305
Mineola, New York 11501
(516) 739-0400
Our File No.: SZS 56050-301

TO: SACKS AND SACKS, LLP
Attorneys for Plaintiffs
Office & P.O. Address
150 Broadway - 4th Floor
New York, New York 10038
(212) 964-5570

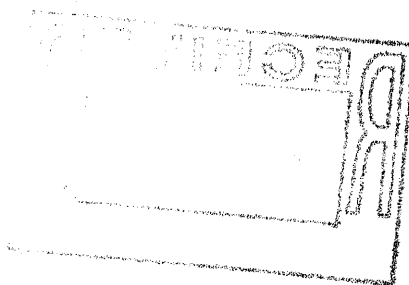


EXHIBIT #2

JUDGE DANIELS

CIVIL COVER SHEET

JS 44C/SDNY
REV. 12/2005

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAH ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant and MINERVA
ALI, as Guardian over TANYAH ALI, infant

DEFENDANTS

LECOURIUX G. YANNICK

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SACKS & SACKS, LLP
150 Broadway, 4th Floor
New York, New York 10038
(212) 964-5570

ATTORNEYS (IF KNOWN)

KELLY, RODE & KELLY, LLP
330 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. §1391(a)

NEW YORK RESIDENT BRINGS ACTION FOR SERIOUS INJURIES AGAINST NEW JERSEY RESIDENT.

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously Assigned ☐If yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____

& Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

BANKRUPTCY CASHIERS OTHER STATUTES

| CONTRACT | | TORTS | | FORFEITURE/PENALTY | | BANKRUPTCY CASHIERS OTHER STATUTES | |
|----------------------------|--------------------------|---------------------------|----------------------|--------------------|----------------------------|------------------------------------|--|
| [] 110 INSURANCE | [] 310 AIRPLANE | [] 362 PERSONAL INJURY - | [] 610 AGRICULTURE | [] 422 APPEAL | [] 400 STATE | | |
| [] 120 MARINE | [] 315 AIRPLANE PRODUCT | [] 365 MED MALPRACTICE | [] 620 FOOD & DRUG | [] 423 WITHDRAWAL | [] 410 REAPPORTIONMENT | | |
| [] 130 MILLER ACT | LIABILITY | [] 368 PERSONAL INJURY | [] 625 DRUG RELATED | 28 USC 157 | [] 430 BANKS & BANKING | | |
| [] 140 NEGOTIABLE | [] 320 ASSAULT, LIBEL & | PRODUCT LIABILITY | SEIZURE OF | | [] 450 COMMERCE/ICC | | |
| INSTRUMENT | SLANDER | [] 368 ASBESTOS PERSONAL | PROPERTY | | [] 460 DEPORTATION | | |
| [] 150 RECOVERY OF | [] 330 FEDERAL | INJURY PRODUCT | 21 USC 881 | | [] 470 RACKETEER INFLU- | | |
| OVERPAYMENT & | EMPLOYERS' | LIABILITY | [] 630 LIQUOR LAWS | | ENCED & CORRUPT | | |
| ENFORCEMENT OF | LIABILITY | [] 370 OTHER FRAUD | [] 640 RR & TRUCK | | ORGANIZATION ACT | | |
| JUDGMENT | [] 340 MARINE | PERSONAL PROPERTY | [] 650 AIRLINE REGS | | (RICO) | | |
| [] 151 MEDICARE ACT | [] 345 MARINE PRODUCT | [] 371 TRUTH IN LENDING | [] 660 OCCUPATIONAL | | [] 480 CONSUMER CREDIT | | |
| [] 152 RECOVERY OF | LIABILITY | [] 380 OTHER PERSONAL | SAFETY/HEALTH | | [] 490 CABLE/SATELLITE TV | | |
| DEFAULTED | [] 350 MOTOR VEHICLE | PROPERTY DAMAGE | [] 690 OTHER | | [] 810 SELECTIVE SERVICE | | |
| STUDENT LOANS | [] 355 MOTOR VEHICLE | PRODUCT LIABILITY | | | [] 850 SECURITIES/ | | |
| (EXCL VETERANS) | PRODUCT LIABILITY | [] 385 PROPERTY DAMAGE | | | COMMODITIES/ | | |
| [] 153 RECOVERY OF | [] 360 OTHER PERSONAL | PRODUCT LIABILITY | | | EXCHANGE | | |
| OVERPAYMENT OF | INJURY | | | | [] 875 CUSTOMER | | |
| VETERANS BENEFITS | | | | | CHALLENGE | | |
| [] 160 STOCKHOLDERS SUITS | | | | | 12 USC 3410 | | |
| [] 190 OTHER CONTRACT | | | | | [] 891 AGRICULTURE ACTS | | |
| [] 195 CONTRACT PRODUCT | | | | | [] 892 ECONOMIC | | |
| LIABILITY | | | | | STABILIZATION ACT | | |
| [] 196 FRANCHISE | | | | | [] 893 ENVIRONMENTAL | | |
| | | | | | MATTERS | | |
| | | | | | [] 894 ENERGY | | |
| | | | | | ALLOCATION ACT | | |
| | | | | | [] 895 FREEDOM OF | | |
| | | | | | INFORMATION ACT | | |
| | | | | | [] 900 APPEAL OF FEE | | |
| | | | | | DETERMINATION | | |
| | | | | | UNDER EQUAL ACCESS | | |
| | | | | | TO JUSTICE | | |
| | | | | | [] 950 CONSTITUTIONALITY | | |
| | | | | | OF STATE STATUTES | | |
| | | | | | [] 890 OTHER STATUTORY | | |
| | | | | | ACTIONS | | |

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding
 ☒ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court
 AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | | | | | |
|--------------------------|---|---|--|---|--|
| CITIZEN OF THIS STATE | PTF DEF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | PTF DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3 | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | PTF DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| CITIZEN OF ANOTHER STATE | <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2 | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | <input type="checkbox"/> 4 <input type="checkbox"/> 4 | FOREIGN NATION | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

1255 Ward Avenue
Bronx, New York 10472

County of Bronx

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

60 Glen Boulevard
Glenrock, New Jersey 07452

County of Bergen

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE
6/15/07

SIGNATURE OF ATTORNEY OF RECORD

SOL Z. SOKEL

RECEIPT #



ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO☒ YES (DATE ADMITTED Mo. 5 Yr. '00)

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

KELLY, RODE & KELLY
Sol Z. Sokel, Esq.
330 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400
Attorneys for Defendant Lecourieux G. Yannick

07 CV 6010

RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Plaintiffs,

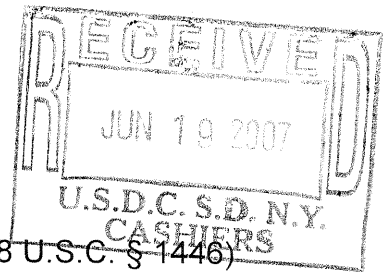
vs.

LECOURIUX G. YANNICK,

Defendant.

Civil Action No.

NOTICE OF REMOVAL



TO THE: UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

1. LECOURIUX G. YANNICK, is a defendant in the civil action brought on November 13, 2006 in the Supreme Court of the State of New York, County of Bronx. Pursuant to provision of Section 1391(a), 1441 and 1446 of Title 28 of the United States Code, Lecourieux G. Yannick removes this action to the United States District Court for the Southern District of New York, which is the judicial district in which the action is pending.

2. The grounds for removal of this action are diversity of citizenship. The plaintiff resides in Bronx County, New York. The defendant resides in Bergen County, New Jersey. Therefore, removal of this action is proper under Section 1391(a), 1441 and 1446 of Title 28 of the United States Code because this is a Civil Action in State

Court over which the Federal District courts would have had original jurisdiction had the action been commenced in Federal Court.

3. This Notice of Removal is timely under Section 1446(b) of Title 28 of the United States Code because Plaintiff's Response to Defendant's Demand Pursuant to CPLR §3017 were served on or about June 8, 2007. This Notice of Removal is filed within 30 days of receipt of said response, which is attached hereto, and is, therefore, timely under 28 U.S.C. § 1446(b).

4. All state-court papers served on the defendant at the time of removal, consistent of the summons and complaint are attached.

Dated this 15th day of June, 2007.

Yours, etc.,

KELLY, RODE & KELLY, LLP

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